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Total Number of Pages In This Submission

4

Application Number	10/071,982
Filing Date	Feb 8, 2002
First Named Inventor	Paul Ni
Art Unit	1647
Examiner Name	L. Spector
Attorney Docket Number	TNX98-03-01

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Tanox, Inc.	
Signature	<i>Cheryl A. Liljestrand</i>	
Printed name	Cheryl A Liljestrand	
Date	January 22, 2007	Reg. No. 45,275

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Typed or printed name	Cheryl A Liljestrand	Date January 22, 2007

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JAN 22 2007

PATENT
ATTORNEY DOCKET NO.: TNX98-03-01
CUSTOMER NO: 26839

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:
Ni, Paul et al.

Serial No.: 10/071,962

Filed: February 8, 2002

For: G-CSF RECEPTOR AGONIST ANTIBODIES
AND SCREENING METHODS THEREFOR

Group Art Unit: 1647

Examiner: L. Spector

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Dear Sir:**RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF**

On December 22, 2006, the Office issued notification that the Appeal Brief filed on October 10, 2006 did not comply with the requirements of 37 CFR 41.37. This response is being filed within the one-month response period and therefore no fee should be due. However, should any fees be necessary, please charge our deposit account 20-0087.


Appellants have corrected the numbering of the claims. Claims 36-38 were incorrectly numbered as 34-36 due to an automatic function in MS Word, the substance of the claims was correct. The attached set of claims should be substituted for the claims filed with the original Appeal Brief.

Appellants submit that the attached set of claims complies with all of the requirements under 37 CFR 41.37.

Respectfully Submitted,

Dated: January 22, 2007.

BY:


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JAN 22 2007

Application No. 10/071,962
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VIII. Claims Appendix**Claims on Appeal:**

31. An agonist antibody, or a binding fragment thereof, that specifically binds to or interacts with the extracellular domain of human G-CSF receptor to stimulate cell proliferation and differentiation.
32. The agonist antibody, or binding fragment thereof, of claim 31, which dimerizes the receptor or activates phosphorylation of kinases associated with the receptor to stimulate cell proliferation and differentiation.
33. The agonist antibody or binding fragment of claim 31 or 32, which stimulates proliferation and differentiation of neutrophils or their progenitor cells.
36. The agonist antibody or binding fragment of claim 31 or 32, wherein the antibody interacts at an epitope between amino acid residues 1-603 (SEQ ID NO:27) of the G-CSF receptor.
37. The agonist antibody or binding fragment of claim 31 or 32, wherein said antibody is a monoclonal antibody.
38. The agonist antibody or binding fragment of claim 31 or 32, wherein the fragment is F(ab')₂.
40. A cell line that produces the agonist antibody or binding fragment of claim 31.
45. A composition comprising at least one agonist antibody according to claim 31 or 32, and a physiologically acceptable carrier, diluent, and/or excipient.
48. An agonist antibody, or binding fragment thereof, that specifically binds to or interacts with the extracellular domain of human G-CSF receptor wherein the

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human G-CSF receptor used to generate said antibody is a native human G-CSF receptor or a mutant thereof comprising substitutions, insertions, or deletions.

49. The agonist antibody of claim 31, wherein the antibody comprises
SEQ ID NO: 15 to SEQ ID NO 20, or a functional variant of any one of SEQ ID
Nos 15 to 20.
50. The agonist antibody of claim 48, wherein the framework is human or
humanized.

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